

1 **Education and Workforce Development Cabinet**

2 **Kentucky Board of Education**

3 **Department of Education**

4 **(Repealer)**

5 **704 KAR 7:151. Repeal of 704 KAR 7:150.**

6 RELATES TO: KRS 151B.125, 158.145, 158.146, 158.6455

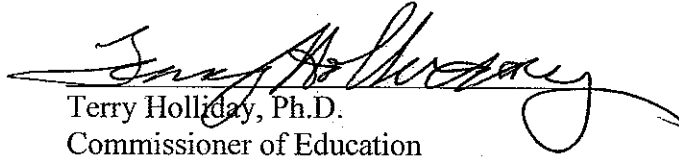
7 STATUTORY AUTHORITY: KRS 156.060, 156.070

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.146 required the Kentucky
9 Department of Education to establish and implement a comprehensive statewide strategy to
10 provide assistance to local districts and schools to address the student dropout problem in
11 Kentucky public schools. The Secondary GED program was part of that statewide strategy.
12 Pursuant to SB 1 (2009 GA) the Kentucky Board of Education has set a goal to increase the high
13 school graduation rate and the statewide strategies being used to reach that goal are the use of the
14 Persistence to Graduation Tool, multi-tiered interventions based on student need, college and
15 career advising, and innovative pathways to student success. If this administrative regulation
16 remained in place, it would be contradictory to the focus on increasing the graduation rate, since
17 earning a secondary GED is not permitted to count as a "graduate" under federal guidelines. If
18 students drop out of school and still choose to earn a GED, they may continue to do so through
19 Kentucky Adult Education. This administrative regulation repeals 704 KAR 7:150, Secondary
20 GED Program, because the Secondary GED program no longer supports the Kentucky Board of
21 Education's goals of college and career readiness for all Kentucky students.

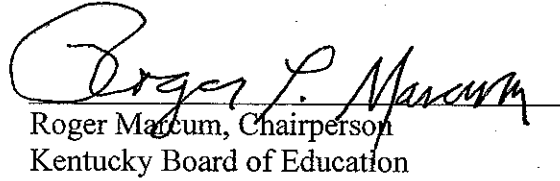
1 Section 1. 704 KAR 7:150 is hereby repealed.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

10-15-13
(Date)


Terry Holliday, Ph.D.
Commissioner of Education

10-15-13
(Date)


Roger Marcum, Chairperson
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on November 25, 2013, at 2:00 p.m. in the State Board Room, First Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through close of business December 2, 2013. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Kevin C. Brown, Associate Commissioner and General Counsel, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky, 40601, phone 502-564-4474, fax 502-564-9321.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 704 KAR 7:151

Agency Contact Person: Kevin C. Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: Repeals administrative regulation 704 KAR 7:150, which allowed for the operation of the Secondary General Equivalency Diploma Option Program in KY. Under the new regulation, 704 KAR 7:151, that program will no longer be available.

(b) The necessity of this administrative regulation: This regulation will repeal the authorization for Secondary General Equivalency Diploma Program in Kentucky, a program which is inconsistent the Kentucky Board of Education's college and career readiness initiatives for Kentucky students.

(c) How this administrative regulation conforms to the content of the authorizing statute: The regulation conforms to the authority given to the Kentucky Board of Education in KRS 156.060 and KRS 156.070.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation would repeal the Secondary General Equivalency Diploma Option Program.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

(b) The necessity of the amendment to this administrative regulation:

(c) How the amendment conforms to the content of the authorizing statute:

(d) How the amendment will assist in the effective administration of the statutes:

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Those affected by this repeal are: local school districts that offer the Secondary General Equivalency Diploma Program (30 districts currently have approved programs, but only 8 districts have active programs) and Kentucky Adult Education (because they facilitate the Program in their Adult Education testing sites by administering the Official Practice Exam and the General Equivalency Diploma and maintain the transcript for students).

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Districts will no longer have the Secondary General Equivalency Diploma Program to provide as an alternative for students age 16 or older who want to drop out of school. SB 97 has eliminated this option. Students who are 18 can take the General Equivalency Diploma without the Option program in place. The Option program allowed for students who are 16 or 17 to take the exam within the guidelines of the program. Kentucky Adult Education helps facilitate the program in their General Equivalency Diploma test centers. Kentucky Adult Education will no longer offer assistance to General Equivalency Diploma test takers under the age of 18.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No cost is associated with the repeal of this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Districts will not need the Secondary General Equivalency Diploma Option Program for students who are 16 or 17. They will have developed other programmatic options for students that lead to a high school diploma rather than a General Equivalency Diploma.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No cost

(b) On a continuing basis: No cost

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: N/A

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: N/A

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all schools and districts. N/A

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 704 KAR 7:151
Contact Person: Kevin C. Brown
Phone number: 502-564-4474

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This regulation will repeal the Secondary General Equivalency Diploma Option Program in Kentucky, a program that served a very small population of students as a drop-out prevention alternative that prepared students to take and pass the General Equivalency Diploma, rather than persist to a high school diploma. The program contradicts the KBE's college and career readiness for all goals.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.060 and KRS 156.070.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. No effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue.

(c) How much will it cost to administer this program for the first year? The program is being repealed- there will be no cost associated with the repeal.

(d) How much will it cost to administer this program for subsequent years? The program is being repealed- there will be no cost associated with the repeal.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): N/A

Expenditures (+/-): N/A

Other Explanation: N/A